REMARKS

This is in response to the Office Action mailed May 7, 2003. Applicant respectfully traverses and request reconsideration.

Drawings

Formal drawings are attached. No new matter has been introduced.

Amendments

Claims 1 and 10 have been amended to recite that the matrix includes row headings and column headings, as disclosed on page 12, lines 11-12 and more generally at page 18, line 11 through page 19, line 4. For the reasons set forth below, the Applicant submits that claims 1 and 10 are now in condition for allowance.

Objections To Claims 11-12

Claim 11 has been amended to depend upon claim 10 thereby overcoming the Examiner's objection to claim 11. Claim 12 has been amended to insert "and" after the term "library file;" to overcome the Examiner's objection to claim 12. As such, Applicant requests withdrawal of the present objection.

Rejection Of Claims 1-11 Under 35 U.S.C. §102(b)

Claims 1-11 currently stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,544,354 ("May"). As the Examiner knows, invalidity under §102 requires that each and every limitation be found in a single reference. With that in mind, the Applicant submits that the rejections are improper because May fails to disclose each and every one of the claimed limitations of claims 1 and 10.

May is directed to a multimedia matrix architecture providing a user interface (UI) for accessing a large database of information. As illustrated in FIG. 1B, May uses a matrix having twelve (12) selection boxes in a square with a viewable screen 107 enclosed therein. A user can select a category within one of the boxes to select a second subset of the database. For example, if the user selected the option movies 111, FIG. 1C illustrates a selection of potential sources for

movies, FIG. 1D illustrates varieties of possible movies that can be chosen and FIG. 1E illustrates possible movie choices within the subcategory. In other words, May utilizes a multilevel database path designated system having four levels including parser cells (FIG. 1B), the cord cells (FIG. 1C), search cells (FIG. 1D) and code cells (FIG. 1E).

Furthermore, May discloses the ordering of the cells is dependent upon the classification of the content to be chosen, e.g., a parser cell, record cell, search cell and/or code cell. May teaches placing menu selection button within cells, such that upon selecting a cell, a new sublevel of the matrix may be displayed within the matrix.

The Applicant submits that claims 1 and 10 as amended are allowable over the prior art.

Claims 1 and 10 are directed to, among other things, displaying a matrix in a matrix area/location having a plurality of icons. The matrix includes row headings and column headings. May specifically teaches away from using row headings and column headings because May utilizes sublevels of cells for different categories, wherein each specific level (e.g., parser, record, search, code) all drawn to a specific category. The system of May would not utilize row headings and/or column headings because this would interfere with the cell ordering ability to provide for improved flexibility, and profitability, for the matrix display system. In fact, May specifically could not use row headings and column headings because May operates in a completely different manner through using sublevels of categories or each level as directed to a specific category.

Applicant submits that dependent claims 2-9 and 11 contain further patentable subject matter and are allowable not merely because they are dependent upon an allowable base claim.

In light of the foregoing, the Applicant requests reconsideration of pending claims 1 - 11.

Rejection Of Claims 12-15 Under 35 U.S.C. §103(a)

Rejection of claims 12-13

Claims 12-13 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over May in view of U.S. Patent No. RE37,722 ("Burnard"). Applicant traverses and submits the rejection is improper as the combination of May and Burnard fails to teach or suggest all of the claimed limitations.

Burnard is directed to an object-oriented software system for transparent translation of locale-dependent application programs. Burnard teaches utilizing an object oriented programming technique with a C++ compiler to generate executable code, which may be translated between different languages. Claims 12 and 13 on the other hand are directed to a system that generates computer executable instructions using a database of textual concepts and a translator to combine textual excerpts into a library file.

The Examiner has misapplied the teachings of Burnard, which discloses software programming code and NOT the claimed textual excerpts. On page 6 of the present Office Action, the Examiner admits that May does not disclose the claimed translator configured to combine textual excerpts into a library file and a computer configured to combine source code and the library file into a single executable file as these limitations are disclosed by Burnard. The Examiner asserts that Burnard "discloses the claimed feature of 'a translator configured to combine the textual excerpts and go library file' (col. 11, lines 42-67; col. 30, lines 15-26)."

An inspection of the Examiner-cited Burnard passages, i.e., col. 11, lines 42-67, disclose incorporating named user interface objects into a source code, thereby creating static data and storing the user interface objects which are C++ programming code into a library compiler. Moreover, col. 30, lines 15-26 of Burnard discloses translating the XY position of the user interface on a graphical output display as each UI object is given a default position screen of 0,0. A translation is performed to find the proper location of the user interface object, which is NOT the claimed translator configured to combine textual excerpts into a library file claimed in claim 12. The Examiner further asserts that Burnard discloses "a computer configured to combine source code and the library file into a single executable file" as supported by col. 7, lines 40-57 and col. 8, lines 37-57.

The Applicant disagrees with the Examiner's rejection. In Col. 7, lines 40-57 of Burnard, Burnard discloses using the C++ programming language object-oriented programming techniques and generating a machine-readable code that could be loaded into and directly executed by a computer. This passage merely discloses that a computer executes the compiled programming language but does not teach or suggest combining source code and a library file into a single executable file. The Examiner-cited passage on col. 8, line 37-57 provides a discussion of polymorphism. As disclosed, polymorphism is a concept of allowing objects and

functions having the same overall format but which work with different data, to function differently in order to produce consistent results. As is well-known, polymorphism is NOT combining source code and the library file into a single executable file. Burnard merely discloses allowing similar functions which produce analogous results to be grouped in the program source code.

At the bottom of page 6 of the present Office Action, the Examiner further asserts that the motivation to combine the present references of May and Burnard would have been "in order to allow newly created user interface object [sic] to use the redesigned construction program which are stored in an archive." In accordance with MPEP §2143.01, the Examiner is required to provide a motivation for combining the prior art references. The Examiner's-stated motivation is without factual support, conclusory and not in accordance with MPEP §2143.

The Examiner's conclusory reasoning would allow newly created user interface objects to use the redesigned construction program which is stored in an archive. Claim 12 recites "a system that generates computer executable instructions, the system comprising: a database of textual excerpts, a translator configured to combine the textual excerpts into a library file; and a computer configured to combine source code and the library file into a single executable file." Claim 12 is not directed to redesign construction programs being stored in an archive. As discussed above, even though Burnard is directed to a completely different system, the Examiner further asserts that one of ordinary skill in the art would have been motivated to combine these references which would then produce the claimed present invention because the combination would allow newly created user interface objects to use the redesigned construction program stored in an archive. It is submitted the rejection is improper and should be withdrawn.

Regarding claim 13, Applicant submits claim 13 contains further patentable subject matter and is allowable, not merely as being dependent upon the allowable base claim, in view of the above references with regard to claim 13. As such, reconsideration and withdrawal is requested.

Rejection of claims 14-15

Claims 14-15 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over Burnard. Applicant traverses and submits that Burnard fails to disclose all of the claimed limitations for the claimed method of generating an executable computer file of claim 14.

The Examiner asserts that all limitations are disclosed; with the exception of the use of compiling the element library without reference to non-compiled data, on column 8, lines 38-57 of Burnard. Applicant disagrees and resubmits the position offered above, specifically that the Examiner-cited passage defines the concept of polymorphism which "allows objects and functions which have the same overall format, but which work with different data, to function differently in order to produce consistent results." (Col. 8, line 38-41.) Therefore, in order for the Examiner's assertions to be proper, the claimed database elements must be equivalent to the objects and functions within C++ programming code, wherein Burnard does not provide any indication for "creating source code for user interface that permits a user to view the database elements." In fact, Burnard specifically teaches away from this limitation via polymorphism because the database elements are objects and functions and the user would not want to view the database elements and, in fact, the source code creates an object code, which further provides for not allowing viewing of the objects.

Regarding element (C) of claim 14, the Examiner asserts that these limitations are disclosed by the teachings of Burnard. At best, Burnard teaches polymorphism for combining objects and functions but Burnard does *not* disclose compiling the element library that contains the objects and functions and the Examiner has not provided adequate support for what even is the claimed source code as taught by Burnard.

Applicant further disagrees with the Examiner's putative motivation for one of ordinary skill in the art to modify Burnard's system to incorporate the use of compiling the element library without reference to non-compiled data. Initially, it is submitted this motivation is improper, as the Examiner has provided the exact same motivation for combining the teachings of May with Burnard. As previously stated the motivation is a conclusionary result of the asserted modification and is improper.

Furthermore, it is submitted that the Examiner's motivation is a non-sequiter with respect to the teachings of Burnard regarding the claimed invention of claim 14 because, among other things, allowing newly created user interface objects to use the redesigned construction program has absolutely no correlation with "when executed, permits the user to display the database without reference to non-compiled data." Under the provisions of 37 C.F.R. §1.104(c), the

Applicant demands a showing by column and line number where there is any teaching or motivation to modify Burnard to produce the claimed present invention.

Regarding claim 15, Applicant submits claim 15 contains further patentable subject matter that is allowable, not merely as being dependent upon an allowable base claim. As such, Applicant submits the rejection as improper and withdrawal is requested.

For clarification purposes, Applicant notes that in paragraph 9 of the rejection of claims 14 and 15, the Examiner on several occasions refers to the teachings of May, which have not been provided in the present rejection. Applicant interprets this as a typographical error as to be read "Burnard" instead of "May." Clarification is requested.

Accordingly, Applicant respectfully submits that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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